

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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<http://oversight.house.gov>

September 20, 2019

Mr. John Gore
c/o John D. Adams
McGuire Woods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219

Dear Mr. Gore:

On April 2, 2019, the Committee on Oversight and Reform authorized, and I duly served, a bipartisan subpoena requiring your testimony at a deposition on April 11, 2019, regarding the Trump Administration's attempt to add a citizenship question to the 2020 Census.¹

At your request, the Committee postponed your deposition until April 25, 2019. However, the day before the deposition, your attorney informed the Committee that you would not attend. To justify your refusal, your attorney cited instructions from Attorney General William P. Barr, who directed you not to appear due to a disagreement with longstanding Committee rules. Your attorney wrote that as a "Department of Justice Official," you were obligated to follow the instructions of the Attorney General. He also suggested that the Committee should wait "a very short period to assess the Supreme Court's forthcoming decision in this matter."²

Since then, you have left the Department of Justice and are no longer a federal employee. In addition, the Supreme Court ruled on this matter on June 27, 2019, finding that the rationale offered by Commerce Secretary Wilbur Ross for the citizenship question—which was advanced in the letter you drafted on December 12, 2017, from the Justice Department to the Census Bureau—was "contrived."³

¹ Committee on Oversight and Reform, *Committee Approves Subpoenas in Security Clearance and Census Investigations* (Apr. 2, 2019) (online at <https://oversight.house.gov/news/press-releases/committee-approves-subpoenas-in-security-clearance-and-census-investigations>).

² Letter from John D. Adams to Chairman Elijah E. Cummings, Committee on Oversight and Reform (Apr. 24, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/April%2024%20ltr%20to%20The%20Hon.%20Elijah%20E.%20Cummings%20from%20John%20Adams.pdf>).

³ *Department of Commerce v. New York*, 139 S. Ct. 2551 (2019).

Since you are no longer a Justice Department Official and the Supreme Court is no longer considering this case, the circumstances cited by your counsel no longer exist. For these reasons, I am writing to inquire whether you will now comply with the Committee's bipartisan subpoena for testimony at a deposition consistent with the Committee's rules.

Given the Supreme Court's ruling—that the reason offered for the citizenship question was “incongruent with what the record reveals”⁴—the Committee now has an even greater need to determine both why the Trump Administration sought for months to cover up its efforts with a false narrative and whether remedial measures, including on an exigent basis, are necessary and appropriate.

The Committee's investigation is also urgent in light of the ongoing preparations for the 2020 Census. Over the last several months, the Committee has continued to gather documents and conduct interviews.⁵ The results of this investigation may inform legislative efforts to protect the integrity of the upcoming 2020 Census and ensure an accurate count.

Please inform the Committee by September 27, 2019, whether you will comply with the subpoena and participate in the deposition. If you have any questions, please call Committee staff at (202) 225-5051.

Sincerely,



Elijah E. Cummings
Chairman

cc: The Honorable Jim Jordan, Ranking Member

⁴ *Id.*

⁵ See, e.g., Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Ken Nahigian, Trustee and Executive Director, Trump for America, Inc. (June 18, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-18.EEC%20to%20Nahigian-Transition%20Team%20re%20Census.pdf>); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Christa Jones (June 18, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-06-18.EEC%20to%20Jones-Census%20Bureau%20re%20Census.pdf>); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, to Mark Neuman (June 18, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-06-18.EEC%20to%20Neuman%20re%20Census%20REDACTED.pdf>).